

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

BRIAN T. COLLUM,)	
)	
Plaintiff,)	8:12CV153
)	
v.)	
)	
PAYPAL,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's amended motion to reopen case, which the Court liberally construes as a motion for relief under Federal Rule of Civil Procedure 60(b)¹ (Filing No. [12](#)).

On August 14, 2012, the Court dismissed plaintiff's complaint and entered judgment against him (Filing Nos. [8](#) and [9](#)). Liberally construed, plaintiff seeks relief from the Court's judgment pursuant to [Fed. R. Civ. Pro. 60\(b\)\(6\)](#) (Filing No. [12](#)). [Rule 60\(b\)\(6\)](#) "grants federal courts broad authority to relieve a party from a final judgment 'upon such terms as are just,' provided that the motion is made within a reasonable time and is not premised on one of the grounds for relief enumerated in clauses (b)(1) through (b)(5)." [Liljeberg v. Health Serv. Acquisition Corp., 486 U.S. 847, 863 \(1988\)](#). However "[r]elief is available under Rule 60(b)(6) only where exceptional

¹ Plaintiff previously filed a motion to reopen case that was deficient because he failed to sign it (Filing Nos. [10](#) and [11](#)).

circumstances have denied the moving party a full and fair opportunity to litigate his claim and have prevented the moving party from receiving adequate redress." Harley v. Zoesch, 413 F.3d 866, 871 (8th Cir. 2005).

The Court has carefully reviewed plaintiff's motion. Plaintiff has not set forth any "exceptional circumstances" that prevented him from fully litigating his claims or receiving adequate redress. Accordingly, plaintiff's amended motion to reopen case, liberally construed as a motion for relief under Rule 60(b), is denied.²

IT IS ORDERED that Plaintiff's motion to reopen (Filing No. 10) and amended motion to reopen case (Filing No. 12), liberally construed as a motion for relief under Rule 60(b), are denied.

DATED this 29th day of August, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

² Plaintiff states that he wants his case to be reviewed by a new judge (Filing No. 12). To the extent that plaintiff is asking the Court to reassign this case, his motion is also denied.

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